

TESTIMONY OF
CHOCTAW NATION OF OKLAHOMA
BEFORE
SENATE COMMITTEE ON INDIAN AFFAIRS
SEPTEMBER 17, 2002

Mr. Chairman, Senator Campbell, Members of the Committee,
Ladies and Gentlemen:

My name is Gregory Pyle, and I am the Chief of the Choctaw Nation of Oklahoma. We are the third largest Indian Nation in the United States right after our neighbors who are also here today, the Cherokee, and we reside in the SouthEastern 1/4 of the State of Oklahoma. I am here today to lend my support to the swift passage of HR 2880, a bill to right inequities which exist in the treatment of individual land allotments held by Indians in the lands of the Choctaw, Cherokees, Creeks, Chickasaws, and Seminoles.

We have a situation in the Lands of the so-called Five Civilized Tribes which is unique in the area of U.S. Indian Affairs. In the 1830's, when my ancestors were "removed" from the South Eastern United States to the Oklahoma Indian Territory beyond the Mississippi, the treaties we signed transferred the land to the Five Tribes in fee simple. The lands were subject to a Federal restraint of alienation, but they were in a different legal status than the lands reserved to other Western Tribes in the treaties covered by the period 1830-1875. As a result, our lands were not subject to the distributions and ravages of the 1888 Dawes Act, and we went into the era of Statehood for Oklahoma with our land base fairly intact. In this respect, we were lucky.

However, this situation did not last. During the period 1900-1947, a series of Land Acts applicable only to the Five Tribes in Eastern Oklahoma were passed which led to the present complex situation.

TO SUMMARIZE: Jurisdiction over probate and other actions involving individual title to allotted lands was transferred to the State

District Courts of Oklahoma. Actions in these courts were subjected to costs and attorneys fees which led to thousands of acres of land being sold away from decedents to pay court costs associated with the estates. Thousands of estates have not been probated or have been subjected to inordinate delays. Thousands of acres of land have been lost by adverse action suits, when non-Indians have encroached on Indian lands without the knowledge of Indian owners. Since most Indian decedents die without a will, the situation has been made worse.

Frankly, protections against loss of land and with respect to estates which have been afforded every other Indian tribe in the Country are denied in Eastern Oklahoma. HR 2880 responds to this situation with remedial action. In brief, it would repeal the tangle of estate and property laws which apply to the Eastern 1/2 of Oklahoma, and replace them with simple statements of law similar to the rest of Indian Country. Its cornerstone is a vesting of jurisdiction away from State Courts, and placement of it with the United States Secretary of the Interior. Its provisions are too numerous to be set forth in detail in my testimony. However, we have reviewed them, and we are in full support of the bill.

There is one cautionary note, however, which I must bring up. Under current law, records pertaining to land and descent and tribal status are maintained by the 5 Tribes, under contract with the Department of the Interior. We receive support under our contract for this activity, though the amount received has been insufficient in the past and has had to be augmented by the Choctaw Nation. Under current law, we are responsible for providing this information to Members of the Choctaw Nation and to descendants of Members or those on the original rolls of the Choctaw Nation if they have 1/2 degree of Indian blood. In fact, we have been supplying support to those of 1/4 degree descent for years. Under the new legislation, however, the tribe will be expected to provide information to any descendant of a Member or of an original enrollee, regardless of degree of Indian blood. This will be a substantial burden. This burden was recognized by the Congressional Budget Office, which, in their report published as part of the House Committee Report on the bill, found a need for substantial increases to the funds provided to tribes for these services. We hope we can rely on our friends

in the Congress to see that such funds are provided in the future.

Mr. Chairman, that completes my testimony. I will be happy to answer any questions you may have on the bill.